

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Barbara Johnson on 4/24/2008.

The claims have been amended as follows:

Claim 51 (cancelled)

Claim 62     A plant part from a plant as defined in claim 61, wherein the plant part comprises the genetic construct.

Claim 63     A plant part as defined in claim 62, selected from the group consisting of a harvestable part, a propagule and a progeny of the plant, wherein the plant part comprises the genetic construct.

Claim 65     The recitation "or tissue-specific" is deleted.

Claim 67 (cancelled)

***Status of Rejections***

All the rejections are withdrawn in light of the claims amendments filed on 4/22/2008 and this amendment.

***Allowable Subject Matter***

Claims 50, 52-66, 68-70 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li Zheng whose telephone number is 571-272-8031. The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1638

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/Ashwin Mehta/  
Primary Examiner, Art Unit 1638